

Remarks

The issues in the official action mailed March 12, 2002 are addressed below in detail.

Restriction/Election

Applicant confirms the election of Group I, Species IA, directed to claims 1-13.

Specification

The abstract of the disclosure was objected to because of the use of legal phraseology.

In response, the abstract has been amended to remove the asserted legal phraseology.

Claim Rejections Under §112

Claims 1-13 were rejected under 35 USC §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

Regarding claims 1, 6-7 and 9-10, it was asserted that "melt-processible PTFE" renders the claims vague and indefinite. Claims 2-5, 8 and 11-13 were rejected based on their dependency on rejected claims.

In response, Applicant has amended the claims to further define the term. Applicant has also amended the claims to write out PTFE, as requested in the official action.

Claim Rejections Under §102

Claims 1-4 and 6-13 were rejected under 35 USC §102(e) as being anticipated by Garabedian et al. (USPN 6508805).

Although the Applicant does not concur with the rejection, claim 1 has been amended to further distinguish it from the cited reference. Among other changes, the subject matter of claim 5 has been incorporated into claim 1. As such, since the rejection does not assert that claim 5 was anticipated, the rejection should be withdrawn.

Claims 1-6 and 9-13 were rejected under 35 USC §102(e) as being anticipated by Saitou et al. (USPN 6451005). The reasonings for the rejection are set out in the official action on pages 9-10.

Although the Applicant does not concur with the rejection, claim 1 has been amended to further distinguish it from the cited reference by further defining the MP-PTFE and by requiring that the layers are coextruded by *melting* the materials and extruding them into the desired layer. As such, withdrawal of the rejection is respectfully requested.

With regard to claim 13, the cited reference does not disclose a medical catheter balloon, having the characteristics defined in claim 1. The reference only uses the word "balloon" once (col. 17, line 17). It is used to refer to a type of catheter and does not indicate that the invention is directed to the balloon itself.

For the above reasons, it is respectfully requested that the rejection be withdrawn.

Claim Rejections Under §103 Rejection

Claims 7-8 were rejected under 35 USC §103(a) as being unpatentable over Saitou et al. (US 6451005) in view of Garabedian et al. (US 6508805).

In response, Applicant asserts that, under 35 USC §103(c), Garabedian (US 6508805) can not be used as prior art because, as conspicuously stated below, the rejected claimed invention of the present application and Garabedian (US 6508805) were owned by the same entity or subject to an obligation of assignment to the same entity at the time of invention.

Common Ownership Statement Under §103(c)

The inventions defined by claims 7-8 and Garabedian (US 6508805) were, at the time the invention defined in the cited claims was made, owned by or subject to an obligation of assignment to the same entity.

Miscellaneous

New claims 59-62 have been added.

CONCLUSION

The claims are now believed to be in condition for allowance. The prompt allowance of these claims is earnestly solicited.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

By: 

William E. Anderson II
Registration No.: 37766

Date: August 12, 2003

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

f:\wpwork\wea\09482us01_amd_20030812.doc